

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

CENTRIPETAL NETWORKS, LLC,)	
)	
Plaintiff,)	No. 2:21-cv-00137-EWH-LRL
)	
v.)	
)	
PALO ALTO NETWORKS, INC.,)	
)	
Defendant.)	
)	

NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiff Centripetal Networks, LLC (“Centripetal”) submits the attached Federal Circuit opinion in *EcoFactor, Inc. v. Google LLC*, 2023-1101 (Fed. Cir. Jun. 3, 2024), in further support of Centripetal’s Opposition to Defendant’s Motion for Judgment as a Matter of Law Pursuant to Fed. R. Civ. P. 50(b) (Dkt. No. 940) and Centripetal’s Opposition to Defendant’s Motion for a New Trial (Dkt. No. 941).¹

In *EcoFactor*, the Federal Circuit affirmed the district court’s denial of a motion for new trial, finding there was sufficient evidence at trial addressing economic comparability and apportionment to allow EcoFactor’s damages expert to rely on three portfolio-wide settlement agreements for his damages analysis. The Federal Circuit found that EcoFactor’s expert “sufficiently showed, for purposes of admissibility, that the three license agreements were economically comparable to the hypothetically negotiated agreement,” including

¹ Notices of supplemental authority that “contain no legal argument and alert the Court to a case that was unavailable at the time of pleading” are “common practice” in this Court. *Ashghari-Kamrani v. United States Auto. Ass’n*, 2016 WL 8253884, at *2 (E.D. Va. Mar. 18, 2016).

“acknowledg[ing] that the three licenses also covered patents in EcoFactor’s portfolio that were not asserted in the underlying litigation.” *Id.* at 16. Ultimately, the Federal Circuit held the expert’s damages opinion “relied on sufficiently comparable licenses and his opinion sufficiently apportioned the value of the [asserted] patent for the issue to be presented to the jury.” *Id.* at 17-18.

Respectfully submitted,

Dated: June 7, 2024

By: /s/Stephen E. Noona

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CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of filing electronic to all counsel of record.

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